

# Federal Parks & Recreation

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## **Despite objections, Obama designates Maine monument**

President Obama did the expected last week - he designated an 87,500-acre North Woods national monument in Maine. He followed up on that September 1 by expanding fourfold an ocean monument off Hawaii named Papahānaumokuākea. (See following article.)

Obama has now designated a record 24 national monuments, and more may be in the pipeline.

The North Woods monument - officially the Katahdin Woods and Waters National Monument - generated immense local opposition, as has been the case with many national park units over the last century.

Maine Gov. Paul LePage (R-Me.) lashed out and said the designation "demonstrates that rich, out-of-state liberals can force their unpopular agenda on the Maine people against their will."

Sen. Susan Collins (R-Me.) also criticized the President for not allowing Congress to formally create a national park legislatively. "Bypassing Congress and taking this action without the support of the state and the local communities circumvented discussions of alternatives such as the creation of a national recreation area or management by the Forest Service -proposals that might have had broader support than the President unilaterally designating a national monument," she said.

The problem with that is the Maine Congressional delegation has not addressed the national park political hot potato legislatively, and the delegation has showed no interest in doing so any time in the future.

The other Maine senator, Angus

King (I-Me.), said that he initially opposed the designation of a monument, but was now resigned to it. "I believe that the President's proclamation, along with the binding commitments in the deeds conveying the land, address the essential elements of those conditions, and that, as a result, the benefits of the designation will far outweigh any detriment and - on balance - will be a significant benefit to Maine and the region," he said.

The House member who represents the area, Rep. Bruce Poliquin (R-Me.), criticized the move, but said he hoped the complaints of local citizens would be accommodated.

"While opposed to a unilateral decision, ignoring the votes in the local towns, the Maine Legislature, and Congress, I will continue to work with everyone to move this project forward in the right way in order to build a stronger economy that creates more and better paying jobs in the Katahdin Region and in Maine," he said.

The Maine monument land is, or was, owned by Roxanne Quimby, who has for a decade attempted to transfer it to the federal government as a down payment on a future Maine Woods National Park. Now the land will be included in a national monument operated by the Park Service.

The Quimby proposal also includes what NPS Director Jonathan B. Jarvis called an unprecedented \$40 million endowment - an allocation of \$20 million on the day the national monument was created and the allocation of another \$20 million over three years.

Local critics object to the monument because they fear it will lead to restrictions on a dwindling timber industry and it will put snowmobiling and other recreation areas off limits.

However, in an unusual provision the designation allows hunting within the entire monument and retains access to all snowmobiling trails. That will leave more than half the monument available for winter sports.

The White House said the monument would pay off. "Studies have shown that every dollar we invest in our national parks generates \$10 for the national economy, most of which stays in the local communities, and our national parks, forests and other public lands attract visitors from all over the world, fueling local economies and supporting an estimated \$646 billion national outdoor economy," the White House said in announcing the designation.

Case in point, Acadia National Park in the state is an economic engine with 2.8 million visitors in 2015. They generated more than \$200 million in economic benefits to gateway communities.

**Congressional reaction:** House Natural Resources Committee Chairman Rob Bishop (R-Utah) deplored both the Maine and Hawaii designations. Of a Maine woods monument he said, "If the President cared about local voices and improving our National Park System, he would have done this through the public process and not behind closed doors. Instead, he's hijacked a moment of celebration to advance powerful elite special interests over Maine's economy and citizens."

Bishop has a personal interest in the monument wars - the possibility that President Obama will designate a Bears Ears National Monument in southeastern Utah.

While some of the impetus for a 1.9 million-acre Bears Ears national monument is coming from environmental groups, five Indian tribes located near the area are leading the campaign. The Ute Mountain Ute, Zuni, Hopi, Navajo, and Ute Tribe of the Uintah and Ouray An have put together an unprecedented coalition of Tribal governments in support of the monument.

To counter the proposal Bishop has introduced legislation (HR 5780) that would protect 1.4 million acres of the Bears Ears region in the form of two national conservation areas totaling 858,000 acres and in a wilderness area.

Environmentalists and supportive

legislators are beating the drums for the designation of three other national monuments in the West - a 1.7 million-acre Greater Grand Canyon Heritage National Monument adjacent to Grand Canyon National Park; a 350,000-acre Gold Butte National Monument in Nevada; and a 7,000-acre Castner Range monument near El Paso, Texas.

Congressional appropriators have been actively attempting to block most new national monuments. The House July 14 approved a fiscal year 2017 Interior appropriations bill (HR 5538) that would forbid the designation of any national monument in specific counties in eight states - Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah and Maine. That includes the North Woods monument, Bears Ears and Grand Canyon.

The House also approved an amendment to the bill that would block any ocean monument designation within 200 miles of the coast of the United States. That would have blocked the Hawaii monument expansion. Rep. Lee Zeldin (R-N.Y.) sponsored the amendment.

## **Obama approves expansion of ocean monument off Hawaii**

President Obama on September 1 formally authorized a fourfold expansion of an ocean monument off Hawaii named Papahānaumokuākea. The action came one week after the President designated a Katahdin Woods and Waters National Monument in Maine. *(See previous article.)*

The White House said commercial uses would be curbed in the area: "All commercial resource extraction activities, including commercial fishing and any future mineral extraction, are prohibited in the expansion area, as they are within the boundaries of the existing monument."

But it said some recreational uses would be allowed: "Noncommercial fishing, such as recreational fishing and the removal of fish and other resources for Native Hawaiian cultural practices, is allowed in the expansion area by permit, as is scientific research."

In June Sen. Brian Schatz (D-Hawaii) asked Obama to expand fourfold the Papahānaumokuākea monument to incorporate 582,578 square miles of ocean, or 60 percent of the exclusive economic zone (EEZ) around Hawaii. On September 1 Obama did just that.

President George W. Bush designated an original Papahānaumokuākea monument in 2006. Now the White House said the monument must be expanded to keep up with science.

"Since (2006), new scientific exploration and research has revealed new species and deep sea habitats as well as important ecological connections between the existing monument and the adjacent waters," the White House said.

Commercial fishermen and their allies objected. On August 5 the Congressionally-chartered, 13-member Western Pacific Fishery Management Council approved a resolution asking the administration to conduct a "public, transparent, deliberative, documented and science-based process" before expanding the monument. The Hawaii members of the council did not vote for the resolution.

The council resolution said the council is concerned about the impacts of a monument on commercial fishing. It worried "that the proposed expansion would harm commercial pelagic fisheries, especially the Hawaii longline fishery, by closing fishing grounds within the EEZ, making it likely that the fishery will become more dependent on the high seas, where it must compete with foreign longline fleets and may have to fish further from Hawaii thus incurring additional costs, increased safety risks and a larger carbon footprint."

House Natural Resources Committee Chairman Rob Bishop (R-Utah) deplored the Hawaii expansion. "The sweeping size of this expansion is unjustified," he said. "It will impose great harm to a critical local industry. The President once again abused the Antiquities Act so there could be no meaningful input from Native Hawaiians and regional industry."

Bishop has a personal interest in the monuments wars - the possibility that President Obama will designate a Bears Ears National Monument in the southern part of his State of Utah.

While some of the impetus for a 1.9 million-acre Bears Ears national monument is coming from environmental groups, five Indian tribes located near the area are leading the campaign. The Ute Mountain Ute, Zuni, Hopi, Navajo, and Ute Tribe of the Uintah and Ouray An have put together an unprecedented coalition of Tribal governments in support of the monument.

To counter the proposal Bishop has introduced legislation (HR 5780) that would protect 1.4 million acres of the Bears Ears region of southern Utah in the form of two national conservation areas totaling 858,000 acres and in a wilderness area.

In addition environmentalists and supportive legislators are beating the drums for the designation of three other national monuments in the West - a 1.7 million-acre Greater Grand Canyon Heritage National Monument adjacent to Grand Canyon National Park; a 350,000-acre Gold Butte National Monument in Nevada; and a 7,000-acre Castner Range monument near El Paso, Texas.

Congressional appropriators have been actively attempting to block most new monuments. The House July 14 approved a fiscal year 2017 Interior appropriations bill (HR 5538) that would forbid the designation of any national monument in specific counties in eight states - Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah and Maine. That includes the North Woods monument, Bears Ears and Grand Canyon.

The House also approved an amendment to the bill that would block any ocean monument designation within 200 miles of the coast of the United States. That would have blocked the Hawaii monument expansion. Rep. Lee Zeldin (R-N.Y.) sponsored the amendment.

Zeldin is most concerned about the possible designation of a New England Coral Canyons and Seamounts National

Monument 150 miles off the New England coast.

Also in the pipeline may be a California Seamounts and Ridges National Marine Conservation Area, as recommended by Reps. Sam Farr (D-Calif.) and Ted Lieu (D-Calif.) in a bill (HR 5797) they introduced to protect seamounts, ridges and banks in federal waters off the California coastline.

### **Some hope for modest bill this fall to mark Centennial**

Congress probably won't be able to wrap up legislation before the November 8 elections that would help improve the National Park System on its Centennial, but it may be able to complete the job in a lame-duck session in November/December.

The first order of business before an election recess is a House-Senate conference committee on an omnibus energy bill (S 2012); the Senate version of the bill includes a modest Centennial provision.

Although the House version of S 2012 does not address the Centennial, supporters of the National Park System are hopeful the House will approve a stand-alone Centennial bill (HR 4680) in early September. That could set the stage for House-Senate conferees to include a Centennial provision in S 2012.

Park Service concessioners are somewhat optimistic. Derrick Crandall, counselor to the American Park Hospitality Association, said several leading senators "very much want to see a Centennial bill in an energy bill conference report. There's a 50 percent chance or higher it will be."

Those senators are Senate Majority Leader Mitch McConnell (R-Ky.), Senate Energy Committee Chairman Lisa Murkowski (R-Alaska), Sen. John Portman (R-Ohio) and Sen. Maria Cantwell (D-Wash.), he said.

The best chance of passage of S 2012 (with HR 4680 along for the

ride) will probably come in a three-week, post-election lame duck session beginning November 14, Crandall said.

The office of House Natural Resources Committee Chairman Rob Bishop (R-Utah) confirmed that HR 4680 is on deck now.

"We are working to advance it as a stand-alone bill but we are seeking every avenue," a spokeswoman for Bishop told us August 30. "There is also a placeholder for it in the Senate energy bill."

The spokeswoman confirmed that Bishop and ranking committee Democrat Raúl M. Grijalva (D-Ariz.) were cooperating on the legislation. "As far as Grijalva's support, the bill passed committee as part of a (unanimous consent) package, which means the minority supported and waived their chance for further amendment. From the beginning, Bishop has collaborated with Rep. Grijalva to make this a bipartisan effort. That effort continues as we head to the floor."

(The omnibus energy bill, S 2012, is also the vehicle that would make the Land and Water Conservation Fund (LWCF) permanent. And it would set aside \$150 million each year for Park Service maintenance from offshore royalties, but in a separate fund from LWCF. However, the House-passed version of S 2012 does not include either of those provisions.

(Four Democratic senators earlier this month urged conferees to adopt the LWCF provision. The four are Sens. Michael Bennet (D-Colo.), Jon Tester (D-Mont.), Tom Udall (D-N.M.) and Martin Heinrich (D-N.M.)

As for the Centennial, neither the Senate bill nor the House bill comes close to an ambitious Obama administration proposal that would have Congress authorize more than \$500 million in new programs for the Centennial. (That's in addition to a large increase in appropriations.)

The Senate omnibus energy bill, S 2012, under a provision sponsored chiefly by Portman, would establish a

National Park Centennial Challenge Fund with up to \$17.5 million per year in federal appropriations. That's not much of a gain over the \$15 million Congress appropriated in a fiscal year 2016 appropriations bill for a challenge fund.

Nor does the legislation include a \$100 million per year guarantee for Centennial Challenge projects proposed by the Obama administration.

The Portman amendment would establish an endowment for NPS called the Second Century Endowment for the National Park System. It would be financed by "gifts, devises, or bequests."

The House stand-alone bill, HR 4680, approved by the House Natural Resources Committee March 16, would also establish a Centennial Challenge Fund and endowment, but unlike the Senate, would also revise senior citizen America The Beautiful Pass rates.

The House committee would do away with a one-time, senior citizen \$10 fee and substitute either an annual \$20 fee or a permanent \$80 fee. (*See related article on fee legislation on page 9.*)

On the appropriations front, as opposed to the authorizations mentioned above, the Obama administration has requested an increase for the Centennial of between \$190 million and \$250 million in fiscal year 2017, depending on who does the estimate.

Thus far, the House July 14 and the Senate Appropriations Committee June 16 have approved fiscal year 2017 spending bills (HR 5538, S 3068) with modest increases.

The House committee said it approved \$65 million in targeted increases above fiscal 2016 levels for the Centennial out of a total Park Service appropriation of \$2.9 billion. The increases include an extra \$35 million for repair and rehabilitation, an extra \$15 million for cyclical maintenance, \$10.7 million for new responsibilities and needs, and several other miscellaneous increases.

In addition to the \$65 million, the committee would set aside \$30 million for Centennial Challenge grants to be met by matching nonfederal contributions. That's twice the \$15 million appropriation Congress approved for the Challenge program in fiscal 2016.

The Senate committee said it included an extra \$66.5 million for the Park Service Centennial, in addition to \$20 million for Centennial Challenge grants.

National Park Service concessioners are petitioning Congress to include significant changes in tenure for good performing companies in either S 2013 or HR 4680. The concessioners, led by the National Park Hospitality Association, are asking for an extension of a base contract from 20 years to 30 years and, when a concessioner performs well, authority for NPS to extend a contract.

In a letter to the Wyoming Congressional delegation last month the association asked the legislators to act in Centennial legislation.

"We have discussed many of these concepts with you and your staff, and we now ask for your active support on our behalf to ensure we take advantage of this historic opportunity to expand and improve visitor services at national parks in Wyoming and across the country," they wrote.

The concessioners submitted draft legislation to Wyoming Sens. John Barrasso (R-Wyo.) and Mike Enzi (R-Wyo.) and Rep. Cynthia Lummis (R-Wyo.)

The text of the letter says of longer contracts: "A commercial services contract entered into pursuant to this title shall generally be awarded for a term of 10 years. However, the Secretary may award a contract for a term of up to 30 years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term."

## **NPS backlog draws plenty of attention; other agencies?**

One thing Congressional Republicans and Democrats agree on is that the Park Service needs help in addressing its maintenance backlog.

One thing the Republicans and Democrats don't agree on is how to pay for it. Democrats would sharply increase appropriations. Republicans would stop the acquisition of more federal land and shift money from the Land and Water Conservation Fund to maintenance.

The issue moves to the front page with the marking last week of the Centennial of the National Park System. Ranking House Natural Resources Committee Democrat Raúl M. Grijalva (D-Ariz.) seized the occasion to call on Congress to up the ante in appropriations bills.

Speaking at a gathering at Saguaro National Park Grijalva's office said the Congressman "called on Congress to give NPS the resources it needs to protect its assets and maintain our national parks and public lands as the democratic institutions they were designed to be."

Although Grijalva's office said the Congressman talked extemporaneously at the event for which there was no transcript, he criticized those who would reduce land acquisition under the Land and Water Conservation Fund (LWCF) and dispose of public lands.

His office said Grijalva believes "efforts to transfer federally protected land to state or local authorities should be resisted. Such calls ignore the economic realities of managing federal land and would lead to the sale of previously public property to private developers at no benefit to the American people."

But his counterpart at the House committee, chairman Rob Bishop (R-Utah.), has introduced legislation that would do roughly the opposite of what Grijalva recommends.

Bishop has written a draft bill called Protecting America's Recreation and Conservation (PARC) Act that would reduce federal land acquisition under LWCF to 3.5 percent of the total. Federal land acquisition now receives from appropriators more than 50 percent of the traditional federal-state LWCF acquisition money.

At the same time PARC would authorize the expenditure of 3.5 percent of the total LWCF allocation each year to federal land maintenance. Bishop released the draft on Nov. 5, 2015.

Bishop said at the time, "Even more troubling on the federal side, the money is being spent (on land acquisition) when we have a \$20 billion federal land management maintenance backlog with no transparency, scant oversight and minimal local input."

While the Bishop/Grijalva committee has responsibility for authorizing LWCF, House appropriators have the equally hard job of deciding how much money to put up each year, not only for LWCF but also for federal agency maintenance.

The Park Service's \$12 billion maintenance backlog has captured the public's attention, but it should be noted that other land managers have unmet maintenance needs of \$8 billion, for a combined total of \$20 billion.

Those agencies, which have received sparse attention in this NPS Centennial year, are most prominently the Forest Service, the Bureau of Land Management, and the Fish and Wildlife Service.

The Park Service backlog is a bit deceptive. Half of it - or more than \$6 billion - comes from road construction paid for outside an Interior spending bill by the Highway Trust Fund and related revenues. The money was approved in a transportation law called Fixing America's Surface Transportation Act (FAST Act, P.L. 114-94). It was signed into law in December 2015. The FAST Act is administered by the Federal Highway Administration, which provides assistance to NPS.

The new FAST law sets aside about \$270 million per year for Park Service roads. But in an unusual circumstance the Memorial Bridge in Washington, D.C., alone requires \$250 million in repairs, or almost an entire annual Park System roads budget.

To help out the Department of Transportation this spring came up with a \$90 million grant for repairs to the bridge from a special FASTLANE fund. But the bridge still needs another \$160 million in repairs.

For more routine everyday maintenance House and Senate appropriators are already in the process of approving significant spending increases for the Park Service.

The full House July 14 approved a fiscal year 2017 appropriations bill (HR 5538) that would increase Park Service maintenance and operations by \$52.3 million over fiscal 2016, to \$792,721,000. The Senate Appropriations Committee June 16 approved its bill (S 3068) that would increase the line item by \$25 million, to \$764 million.

In a related construction line item the House approved an extra \$23 million over fiscal 2016, for a total of \$215.7 million. The Senate committee approved about the same, a \$24.4 million increase for a total of \$217.3 million.

Finally, both the House and Senate approved money for a Centennial Challenge matching grant program, with the House approving \$30 million and the Senate committee \$20 million. The fiscal 2016 appropriation is \$15 million.

On the Centennial of the Park System August 25 the conservative Property and Environment Research Center (PERC) recommended a suite of familiar ideas for addressing the Park Service maintenance backlog. The center backed these initiatives popular with western Republicans - end land acquisitions, transfer NPS functions to private companies and increase partnerships with private industry in general.

But PERC did break with Republicans in recommending that land

managers should set recreation fees rather than Congress, and retain the money for maintenance. House Natural Resources Committee Chairman Rob Bishop (R-Utah) has drafted a federal recreation fee bill that would require Congressional approval of fee increases.

The PERC study is available at: <http://www.perc.org/articles/happy-100th-birthday-national-parks>.

## **NPS gets Centennial praise, but brickbats are hurled**

Everyone from the President on down had praise for the National Park System last week on its Centennial.

President Obama chose August 25<sup>th</sup>, the day before the official 100<sup>th</sup> birthday, to designate a North Woods monument in Maine to mark the occasion. That is the 413<sup>th</sup> unit in the National Park System. (See related article first page).

On designating a Katahdin Woods and Waters National Monument, the White House specifically tied the monument to the Centennial. "The Centennial inspires reflection on the history of America's iconic landscapes and historical and cultural sites, as well as an opportunity to look forward toward the next century of conservation and historic preservation," the White House said.

NPS Director Jonathan B. Jarvis made the same point. "I can't think of a better way to celebrate the Centennial and underscore our mission than by adding this extraordinary piece of Maine's North Woods to the National Park System, and sharing its stories and world class recreation opportunities with the rest of the world," he said.

Sen. Martin Heinrich (D-N.M.) chimed in. "I would like to thank the National Park Service employees, volunteers, and supporting organizations that make our parks such incredible places to visit," he said. "We must all recommit ourselves to the Park Service's dual mission of conserving our national treasures and providing Americans with

enjoyment and inspiration."

But critics are still out there, mostly on the left. Indeed those critics seem to be revitalized by the Centennial. For example, the environmental group Public Employees for Environmental Responsibility (PEER) charged just before the August 26<sup>th</sup> Centennial itself that morale among park employees was down, as was employment.

Although Congress is responsible in part for appropriating enough money to hire staff, PEER faulted the agency leadership. PEER did not single out director Jarvis by name. But PEER Executive Director Jeff Ruch said, "Beyond worsening infrastructure, workforce and morale shortfalls, the Park Service is suffering from a dire leadership deficit. Our Park Service does not need more cheerleaders but is in desperate need of a competent coach."

Ruch pointed to several recent scandals in the agency, including charges of sexual harassment at Grand Canyon National Park and Cape Canaveral National Seashore. And the Interior Department Inspector General said Jarvis himself wrote a book without first gaining clearance from the Interior Department ethics office. On the ground, PEER said, the Park Service employment problems lead to overworked employees who aren't available to write strategic plans.

Separate from the PEER charges, on August 12 three liberal organizations led by Public Citizen submitted more than 200,000 petitions to NPS headquarters objecting to corporate advertising in the parks.

The petitions targeted Jarvis's proposed Director's Order #21 on philanthropic partnerships. The proposal of March 31 has drawn criticism from numerous groups, including an alliance of agency retirees called The Coalition to Protect America's National Parks. The critics worry about commercialization of the parks stemming from incentives for employees to raise money. On August 23 Public Citizen again decried the proposal.



Despite the criticisms, visitors are pouring into the parks. Through July NPS said visitation to all units year-to-date are up 3.03 percent over 2015, and 2015 was a record year. NPS said 185,929,894 visitors have come to the parks this year through July, compared to 180,454,053 in 2015.

For their part the House July 14 and the Senate Appropriations Committee June 16 approved fiscal year 2017 spending bills (HR 5538, S 3068) with modest increases for the Centennial. (See related article page 4.)

The NPS statistics are available at: <https://irma.nps.gov/Stats/>.

### **FLREA rewrite stymied by disagreement on who sets fees**

Gridlock over who should have the final say on federal lands entrance fees bids fair to prevent action this year on legislation to replace the underlying fee law.

On one side is all-important House Natural Resources Committee Chairman Rob Bishop (R-Utah). He has drafted a bill to replace the existing Federal Lands Recreation Enhancements Act (FLREA) and he would require Congressional approval of fee increases.

However, the Obama administration is dead set against removing fee increase final authority from federal land managers. At a committee hearing on the draft bill in October Leslie Weldon, deputy chief of the U.S. Forest Service, said, "Requiring an Act of Congress would add great complexity and uncertainty to the process that would significantly delay or even prevent the federal land management agencies from offering new and enhanced amenities and services to the public."

The administration has an unusual ally in the conservative think tank Property and Environment Research Center (PERC). In a white paper tied to the Park Service Centennial PERC recommended that park managers set fees and then retain revenues for maintenance, as is the case now.

"Fee revenues are important because they allow parks to address critical needs without relying entirely on Congress for appropriations. Local park managers, not Congress, decide how fee revenues should be spent," said the PERC report written by Holly Fretwell and Shawn Regan.

FLREA is due to expire on Sept. 30, 2017, but the full House July 14 approved a fiscal year 2017 appropriations bill (HR 5538) that would extend FLREA another year through Sept. 30, 2018. Congress usually extends the law that authorizes entrance and user fees on federal lands a year in advance to give land managers and the public time to gear up for the following recreation season.

The Senate Appropriations Committee included a similar provision in the fiscal 2017 appropriations bill (S 3068) it approved June 16.

The broader Bishop bill, in addition to entrance fees, would modify major provisions of FLREA. It would authorize broad new partnerships with private companies in the management of developed recreation sites on Forest Service and Bureau of Land Management properties.

It addresses the age-old dispute between the Forest Service and BLM on one side and backcountry visitors on the other side over entrance fees to developed and semi-developed sites. The bill would attempt to define more precisely when amenity fees should be assessed at developed sites.

And the Bishop bill would do away with a \$10 permanent, senior citizen entrance fee for all federal recreation areas and substitute either an annual \$20 fee or a permanent \$80 fee.

That senior citizen entrance fee provision is also included in a Park Service Centennial bill (HR 4680) that is now approaching the House floor. That has aroused the concerns of backcountry recreationists, who have also been sharply critical of the FLREA bill. (See related article page 4.)

The Western Slope No-Fee Coalition objects to both the increase in the fee and to the allocation of fee revenues just to the Park Service.

In a bulletin to its members the Western Slope No-Fee Coalition May 30 said of an \$80 seniors pass, "That would be an 800% increase for no additional benefits, and no guarantee the fee would not continue to skyrocket!"

## **Annual autumn conservation pitches to Congress begin**

In an annual rite of fall conservationists are pleading with Congress to boost spending for park and rec programs.

The Wilderness Society took the latest shot at it last week by arguing that lead House and Senate appropriations bills would underfund conservation programs.

In a statement the society first touted the merits of outdoor programs: "Funding for conservation—which includes national parks, forests and wildlife refuges—makes up barely 1 percent of the federal budget. These programs are enormously popular and contribute substantially to our local and national economies, generating up to \$10 for every \$1 invested, and creating high quality jobs that cannot be exported."

It then objected, "Despite this, these programs are on the chopping block once again as Congress works to pass a budget to fund the government for another fiscal year."

Finally, TWS said it would "fight for conservation funding."

On July 14 the House approved its version of a fiscal year 2017 Interior and Related Agencies spending bill (HR 5538) and on June 16 the Senate Appropriations Committee approved its version (S 3068).

The chances of the House and Senate reaching agreement on a final bill by the beginning of the fiscal year on October 1 are close to nil.

Conservatives say there is too much money in the bill; liberals say there isn't enough; and the White House refuses to accept dozens of amendments/riders in the bills.

The big question therefore is, how long an extension of fiscal 2016 spending will Congress approve to keep the government in money? A first continuing resolution is expected to extend spending until mid-November, at which point Congress will begin a three-week lame-duck session.

What Congress does in the lame duck depends a great deal on the results of the election. If the Republican Party wins big, the current Republican Congress will likely defer big spending decisions to early next year when it has a sympathetic President. If the Democratic Party wins big, the controlling Republican Party may push for a yearlong extension now of fiscal 2016 spending to tie Democrats' hands next year.

If by some miracle Congress actually passed an Interior appropriations bill, here are some of the recommended House and Senate appropriations:

For the LAND AND WATER CONSERVATION FUND the House bill recommends an appropriation of \$145.8 million, or \$88.4 million short of a fiscal 2016 appropriation of \$234.2 million. The House also would reduce the state side of LWCF by \$30 million, cutting it from \$110 million to \$80 million.

The Senate committee bill recommends \$40 million more for federal land acquisition than the House, approving \$184.4 million. The senators would also allocate \$30 million more for state grants than the House, a total of \$110 million.

CENTENNIAL CHALLENGE GRANTS: The House approved \$30 million, or \$5 million less than the \$35 million the administration requested. The Senate committee approved \$20 million.

PARK SERVICE OPERATIONS: The House

approved \$2.435 billion, or \$39 million more than a fiscal 2016 appropriation of \$2.396 billion. The Senate committee would appropriate \$2.406 billion.

**STATE WILDLIFE CONSERVATION GRANTS:** The House approved \$62.6 million, or \$2 million more than the fiscal 2016 appropriation of \$60.6 million. The Senate committee would appropriate \$62.6 million, the same as the House.

**FOREST SERVICE RECREATION:** The House approved \$263.9 million, just over the fiscal 2016 appropriation of \$261.7 million. The Senate committee would appropriate \$264.6 million.

**BLM RECREATION MANAGEMENT:** The House would appropriate \$69.5 million, compared to a fiscal 2016 appropriation of the same, \$69.5 million. The Senate committee would appropriate \$68.7 million.

**RIDERS:** The Wilderness Society also objects to amendments/riders in the House and Senate committee bills. The society singled out for condemnation a House amendment that would forbid the designation of any national monument in specific counties in eight states - Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah and Maine. Critics of the amendment say the ban would apply to 160 million acres.

Other House amendments would bar the designation of any new ocean national monuments; block limits on motorboat use in Havasu Wildlife Refuge; block an Obama administration ocean policy; prevent designation of a national heritage area in southeastern Colorado; and bar the designation of any new ocean national monuments.

Both the House and Senate committee would extend a Congressional ban on the spending of construction money on a Dwight D. Eisenhower Memorial on the Washington, D.C., Mall. Republican leaders on the House Natural Resources Committee and some Eisenhower family members object to the design of the proposed memorial.

In addition, the House approved

no money for a memorial commission, although, it said, the measure does extend "the authority to build on the present site and requires all construction funding to be appropriated before construction begins." The Senate committee did approve \$1 million for the commission.

Finally, both the House and the Senate committee would forbid EPA from implementing a May 27, 2015, rule that would expand the definition of a wetland subject to a Section 404 permit under the Clean Water Act. EPA and the Corps of Engineers said that the rule would go beyond the existing regulation that only requires a permit for navigable waters. The rule would also require permits for seasonal streams, wetlands near navigable waters and other waters.

**LWCF authorization:** On a separate track a Senate-House conference committee is expected to consider this month Senate-passed legislation (S 2012) that would make the underlying LWCF law permanent. The Senate-passed version of S 2012 would also set aside \$150 million each year for Park Service maintenance from offshore royalties, but in a separate fund from LWCF.

## Notes

**NPS confirms leadership shifts.** As we reported in the July 22 issue of *FPR*, the Park Service next year will look completely different at the top. Director Jonathan B. Jarvis, a political appointee, will retire in January after the last Obama administration ends. His top deputy, Peggy O'Dell, has just retired. And Victor Knox, associate director of park planning, retired earlier this year. Stepping up as the top agency deputy is Michael Reynolds, most recently associate director for workforce. When the Obama administration ends Reynolds will presumably serve as acting director until a new director can be confirmed by Congress, sometimes a long process. Replacing Knox as associate director of park planning is Shawn Bengé, recently the southeastern region deputy director. NPS also announced these promotions: Alice Slayton, currently chief of public affairs, to assistant director

for communications; Tom Crosson, from the U.S. Air Force, to chief of public affairs; and Donald Leadbetter, who works in the NPS Centennial office, to national tourism program manager.

**Washington Monument closure due.**

The on-again, off-again closures of the Washington Monument because of elevator problems is headed for a long, nine-month off-again closure while major repairs are made. The repairs, due to begin later this month and last for the nine months, could cost \$3 million or more. The monument closed last week because of elevator failures and will remain closed until mid-September while an evaluation is conducted. The elevator may be put back in operation for a time this fall before repairs begin. The elevator has reportedly broken down 24 times in the last two years.

**Washington Mall's bigger problems.**

The National Mall in Washington, D.C., has lots of other problems besides the failure of the Washington Monument's elevators (see previous item), according to a new book. The publication says management conflicts between the Park Service and other agencies "has led to chronic management challenges such as neglect (primarily due to deferred maintenance and fragmented and confusing planning)." The book: *The National Mall: No Ordinary Space*, lays part of the blame on Congress and part on recent administrations. "These problems are the failures of both Congress and the Executive Branch to provide clear management structures that ensure the Mall is effectively managed," says author Lisa Benton-Short, chair of the Department of Geography at George Washington University. The book is published by the University of Toronto Press. Our contact is a public relations staffer Jane Wesman at jane@wesmanpr.com.

**FWS finishes O&G rule.** The Fish and Wildlife Service (FWS) August 22 completed a proposed final rule and final EIS that would have FWS tighten its oversight of oil and gas operations within wildlife refuges. In some national parks and wildlife refuges private parties own subsurface rights

to minerals and are developing those rights. FWS is attempting to tighten its regulations over the operations. FWS said it would post a final decision after EPA has reviewed the EIS for 30 days. House Republicans have already taken aim at the FWS rule as it was proposed on Dec. 11, 2015. Before approving a fiscal year 2017 appropriations bill (HR 5538) July 14 the House accepted an amendment from Rep. Kevin Cramer (R-N.D.) barring the spending of any money to implement the rule. FWS said the proposed rule would make sure that operators are financially liable for any damage they caused to refuges.

**Court rejects Nevada RS 2477 ROW.**

A federal court August 16 rejected a claim of Elko County, Nev., to a road through the Humboldt-Toiyabe National Forest, even though the federal government at one point had agreed the county should hold title to the road. The case has been bouncing around the U.S. District Court and the Ninth U.S. Circuit Court of Appeals for two decades. The first big court action came in April 2001 when, after a storm had damaged a 2.4-mile South Canyon Road in the forest, the federal government agreed to the county's claim to the road as an RS 2477 right-of-way (ROW). But after The Wilderness Society intervened in the court action, the court held that the agreement granting Elko the ROW could not be approved until the county first proved it had a legal claim to an RS 2477 ROW, as required by the Federal Land Policy and Management Act (FLPMA). On August 16 Judge Miranda M. Du in the U.S. District Court in Nevada held that the county had not made the case. The court said the county could not prove it had provided continuous use of the road prior to enactment of FLPMA in 1976. "The court recognized that the county's claim to the South Canyon Road is not legitimate," said Alison Flint, an attorney and planning specialist with The Wilderness Society. "Keeping the South Canyon Road in public hands is important to the future of managing this sensitive forest region."

**Yellowstone begins snow lottery.**

Yellowstone National Park is accepting applications through the end of the

month for non-commercially guided snowmobile trips through the park during the coming winter season. Under its 2013 final Winter Use Rule the park allows one non-commercially guided trip per day from each of its four winter entrances. Up to five snowmobiles are allowed in each group. The trips can last up to three days and permits cost \$40 per day. Applications are to be submitted through [www.recreation.gov](http://www.recreation.gov). For the third winter in a row Yellowstone is using a rule to guide snowmobile use that allows up to 110 "transportation events" per day in the winter. The park usually opens the season in mid-December. The program authorizes up to 50 groups of commercially-guided snowmobiles daily to enter the park with up to seven vehicles in a group and up to 60 snowcoaches. Those authorizations constitute transportation events. In addition to limits on powered oversnow vehicles the winter use rule that the park published on Oct. 24, 2013, requires both snowmobiles and snowcoaches to pass tougher noise emission standards.

## Conference Calendar

### SEPTEMBER

12-15. **The National Center for Bicycling and Walking**, in Vancouver, British Columbia. Contact: 1612 K Street, N.W., Suite 802, Washington, DC 20006. (202) 223-3621. <http://www.bikewalk.org>.

21-23. **National Association of State Outdoor Recreation Liaison Officers Annual Conference**, in Detroit, Mich. Contact: <http://www.nasorlo.org/>

26-28. **Outdoor Industry Association Rendezvous** in Denver, Colo. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

27. **Outdoor Recreation Economic Data Exchange** session in Washington, D.C. Contact: American Recreation Coalition at (202) 682-9530 or [bnasta@funoutdoors.com](mailto:bnasta@funoutdoors.com).

### OCTOBER

4-6. **Scientific Conference on the Greater**

**Yellowstone Ecosystem** in Moran, Wyo. The conference is hosted by the National Park Service. For more information go to: <https://ww4.aievolution.com/ytcl1601/>.

4-7. **Sportfishing Summit** in New Orleans. Contact: American Sportfishing Association, 225 Reinekers Lane, Suite 420, Alexandria, VA 22314. (703) 519-9691. <http://www.asafishing.org>.

5-8. **National Recreation and Park Association Congress and Exposition** in St Louis, Mo. Contact: National Recreation and Park Association, 22377 Belmont Ridge Road, Ashburn, VA 20148. (703) 858-2178. <http://www.nrpa.org>.

15-19. **The Wildlife Society Annual Conference** in Raleigh, N.C. Contact: The Wildlife Society, 5410 Grosvenor Lane, Bethesda, MD 20814-2197. (301) 897-9770. <http://www.wildlife.org>.

24-26. **National Forest Recreation Association Annual Conference And Trade Show** in Reno, Nev. Contact the website <http://nfra.org/> or the NFRA Office at 559-564-2365.

28-30. **National Land Conservation Conference** in Minneapolis, Minn. Contact: Land Trust Alliance, 1331 H St., N.W., Suite 400, Washington, DC 20005-4711. (202) 638-4725, <http://www.lta.org>.

### NOVEMBER

15-18. **The National Trust for Historic Preservation Conference** in Houston, Texas. Contact: National Trust for Historic Preservation, 1785 Massachusetts Ave., N.W., Washington, DC 20036. (202) 588-6100. <http://www.nationaltrust.org>.

16-19. **National League of Cities City Summit** in Pittsburgh, Pa. Contact: National League of Cities, Conference and Seminar Management, 1301 Pennsylvania Avenue, N.W., Washington, DC 20004. (202) 626-3105. <http://www.nlc.org>.

30- Dec. 2. **America Outdoors Marketing and Management Conference** in Daytona Beach, FL. Contact: <http://www.americaoutdoors.org/>.